

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. S-1 4:15 CR 335 CDP (DDN)
)	
DWANE TAYLOR,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S OPPOSITION TO
DEFENDANT'S MOTION TO SUPPRESS STATEMENTS**

COMES NOW the United States of America and hereby opposes defendant Dwane Taylor's (Taylor) motion to suppress statements (Doc. #89). The United States of America States as follows in support of its response:

RESPONSE

On June 17, 2015, Taylor responded to the Sunset Hills Police Department and agreed to be interviewed. Prior to the actual interview, Taylor was advised of his constitutional *Miranda* rights. He was also provided with a written form containing a statement of those rights. Taylor indicated that he understood his rights. Taylor also indicated that he was unwilling to execute the written form. Although unwilling to execute the form, Taylor indicated that he understood his rights and was willing to speak with the detectives.

Taylor then spoke with detectives for approximately one and a half hours. The majority of the interview related to the investigation into the June 2015 homicide of Terry Tobey. The interview was video and audio recorded. In his filing, Taylor has moved to suppress this interview. However, the parties have reached an agreement, as summarized below, which renders Taylor's motion moot at this time.

On September 21, 2016, the undersigned and defense counsel discussed, among other things, Taylor's motion and the United States' intent to affirmatively use or not use Taylor's interview. Based upon that discussion, the United States and Taylor have agreed that the United States will not affirmatively use any portion of Taylor's recorded June 17, 2015, interview in its case-in-chief. However, should Taylor testify at trial and, during the course of his testimony, testify in any manner inconsistent or contradictory to the statements made by him on June 17, 2015, the United States is permitted to utilize Taylor's recorded June 17, 2015, interview in its entirety for purposes of cross-examination and/or rebuttal. In that instance, Taylor is prohibited from challenging the legality of the interview in any way.

Respectfully submitted,

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/s/ Thomas Rea
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 21, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties and counsel of record.

/s/ Thomas Rea
THOMAS REA